

FILED 25 MAR '16 11:06 USDC-ORP

Hon. Winston ShROUT  
 c/o PO Box 4043  
 Hillsboro, Oregon  
 97123-9998

UNITED STATES DISTRICT COURT  
 DISTRICT OF OREGON  
 PORTLAND DIVISION

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UNITED STATES OF AMERICA [sic]	)	
	)	Case No. 3:15-cr-00438-JO
	)	
v.	)	MEMORANDUM IN SUPPORT OF
	)	PLEA IN BAR AND DEMAND
WINSTON SHROUT [sic]	)	FOR WRITTEN BILL OF PARTICULARS
	)	AND TRUE BILL IN COMMERCE
	)	OF NECESSITY

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By: Winston ShROUT, as Real Party in Interest, 3<sup>rd</sup> Party Interest Intervenor under Injury, Sole Shareholder in WINSTON SHROUT, Settlor/Beneficiary of WINSTON SHROUT 401643573

COMES NOW Winston ShROUT, a Real Party in Interest, 3<sup>rd</sup> Party Interest Intervenor under Injury, Sole Shareholder in WINSTON SHROUT, Settlor and Beneficiary of WINSTON SHROUT 401643573, who is neutral in the public, who is unschooled in law, and making a special appearance before this court under the supplemental rules of Admiralty, Rule E(8), a restricted appearance, without granting jurisdiction, and notices the court of enunciation of principles as stated in Haines v. Kerner, 404 U.S. 519, wherein the court has directed that those who are unschooled in law making pleadings and/or complaints shall have the court look to the substance of the pleadings rather in than the form, and hereby makes the following pleadings/notices in the above referenced matter without waiver of any other defenses.

PLEA IN BAR

20. Plea in bar, is one that denies that the plaintiff has any cause of action. 1 Ch. Pl. 459 Co. Litt. 303 b; 6 Co. 7. Or it is one which shows some ground for barring or defeating the action; and makes prayer to that effect, Steph. Pl. 70; Britton, 92. See Bar.

21. A plea in bar is, therefore, distinguished from all pleas of the dilatory class, as impugning the right of the action altogether, instead of merely tending to divert the proceedings to another jurisdiction, or suspend them, or abate the particular writ. It is in short a substantial and conclusive answer to the action. It follows, from this property, that in general, it must either deny all, or some essential part of the averments of fact in the declaration; or, admitting them to be true, allege new facts, which obviate and repel their legal effect. In the first case the defendant is said, in the language of pleading, to traverse the matter of the declaration; in the latter, to confess

and avoid it. Pleas in bar are consequently divided into pleas by way of traverse, and pleas by way of confession and avoidance. Steph. Pl. 70, 71.

Bouviere Law Dictionary, pg. 599

**Note:** Winston ShROUT as a Real Party in Interest, 3rd Party Interest Intervenor under Injury, Sole Shareholder in WINSTON SHROUT, Settlor and Beneficiary of WINSTON SHROUT 401643573, did answer the Plaintiff's complaint using specific negative averment which if successfully rebutted would confirm Plaintiff's allegations. But failure of Plaintiff to successfully rebut the specific negative averment would indicate the exact purpose and justification of a Plea in Bar as the Plaintiff would demonstrate that it has no cause of action and is *nolle prosequi* and hence the court on its own motion must dismiss the case.

### DEMAND FOR WRITTEN BILL OF PARTICULARS

This demand for a written bill of particulars is in conjunction with the Plea in Bar as Winston ShROUT as a Real Party in Interest, 3rd Party Interest Intervenor under Injury, Sole Shareholder in WINSTON SHROUT, Settlor and Beneficiary of WINSTON SHROUT 401643573 was victim of a secret grand jury proceeding where accusations were made against his estate without the opportunity to be heard in the matter. This is tantamount to a 'star chamber' proceeding whereas a decision was apparently made by the Fore-person of the Grand Jury who returned a True Bill to the attorney for Plaintiff based on incomplete and one-sided information.

A "True Bill", as the title implies is a commercial document as all "bills" [indicating money owed] naturally are which gives rise to the next section on TRUE BILL IN COMMERCE by Winston ShROUT as 3<sup>rd</sup> Party Interest Intervenor Under Injury.

Winston ShROUT who is not a resident of the jurisdiction in question and who is not a US Citizen as defined by the 14<sup>th</sup> Amendment to the US Constitution has made this demand for a bill of particulars so at the very least he can know the nature and cause of this Indictment, and so that he can determine the extent of the injury to his estate and calculate the damages.

Reference: NOTICE OF ASSIGNMENT OF REVERSIONARY INTEREST AND STATUS filed into Case No. 3:15-cr-00438-JO on 3 Feb 16, in particular Exhibits A-K.

### TRUE BILL IN COMMERCE

Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime. 27 CFR 72.11

All federal charges as offenses against the USC has a penal sum attached of Two-hundred and fifty-thousand (\$250,000) dollars. To tally up the penal value of the charges of which there are nineteen (19) alleged comes to Four-million seven-hundred and fifty-thousand (\$4,750,000) which is being attempted to be taken from the estate of Winston Shrout.

Winston Shrout strongly suspects that the Clerk of the USDC has already made a draw at the back office of the US Treasury, and may have even issued the GSA bonds 24, 25, and 25a, or similar Miller Act Bonds. These are acts of thievery of the estate belonging to Winston Shrout without the express consent of Winston Shrout as the only settlor of WINSTON SHROUT.

Therefore a True Bill in Commerce is issued by Winston Shrout as a partial recoupment of funds belonging to the estate. Using the Old Testament of the King James Bible as a guide, three times punitive for the injury is justified.

### CORPUS JURIS SECUNDUM

Section 16, Page 892:

FACT OF DEATH: Death of the person on whose estate administration is sought is a jurisdiction requisite; and while the presumption of death arising from absence may present a prima facie case sufficient to warrant a grant of administration, yet if it subsequently develops that such person was in fact alive, the administration is **void**.

While it is true that the presumption of death arising from a person's absence, unheard from, for a considerable length of time, see "Death Section 6", may present a prima facie case sufficient to warrant a grant of administration on his estate, the arising of such presumption does not take the case out of the operation of the general rule on the subject, and if it is made to appear that the person was in fact alive at the time such administration was granted, the administration is absolutely void. Although, that payment to an administrator of an absentee who is not in fact dead is no defense against the absentee or his legal representative, nor are costs and disbursement incurred by such administrator a legal charge against the absentee or his property; but where the administrator has paid debts of the absentee, he is subrogated to the rights of the creditors whom he has paid. It has been considered, however, that the invalidity of the administration does not relate back, but that it is invalid only the time when the presumption of death is rebutted.

Note: It is obvious that Winston Shrout is alive having appeared in the USDC in this matter on at least two occasions and all in attendance saw him walk in and heard him speak. For any sane man to conclude that he is 'dead' or 'absent' or 'unheard from' is purely ludicrous.

Therefore, any administration of his estate, WINSTON SHROUT, is **VOID**. Any attempts by any party to administer his estate is pure thievery. Winston Shrout takes his remedy in this matter with a TRUE BILL IN COMMERCE.

Given under my own hand this 25<sup>th</sup> day of March, 2016.

Winston Shrout

Hon. Winston Shrout

UN Charter Control Number 10-60847

Immunity and Authority Guaranteed under Great Seal No. 63225889



PROOF OF SERVICE

Be it known that on the date of March 25, 2016, that a copy of the above was served at the place of business to the following:

Billy J. Williams, US Attorney, Bar # unknown  
c/o US District Court, Mark O. Hatfield US Courthouse  
1000 SW Third Avenue, ste 600  
Portland, Oregon 97204

Winston Shrout

Hon. Winston Shrout

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